

POLICY ON THE INSTALLATION AND MAINTENANCE OF COMMERCIAL PIPELINES ALONG OR ACROSS COUNTY ROADS

This policy of the Board of County Commissioners in and for Crook County, WY is for the installation of a commercial pipeline along or across any maintained or non-maintained County road. This policy is necessary since approximately 1,000+ miles of County roads exist in Crook County and the County does not have the funds to maintain all of the County roads in Crook County. ~~Landowners, and Permittees do not have an absolute right to install commercial pipelines within County road right of ways and the County has the right to regulate the use of the County road. This policy is not binding upon the Board of County Commissioners, but is a guideline to best use the limited resources of Crook County. It provides an administrative process for commercial pipeline developers to obtain various County permits in a timely manner and mitigate the impact to the health and safety of the residents, taxpayers and landowners of Crook County, while allowing for development, and increasing and diversifying the tax base of Crook County. This policy shall provide the procedures necessary for the acquisition of a pipeline permit to install a pipeline along or across county roads and shall provide a mechanism to ensure that any damages to the County's roads caused by the construction of said pipelines is addressed by the permittee.~~

The County prefers that commercial pipelines are not located within County road right-of-ways to avoid causing additional maintenance, potential destruction and interference with the public's use of County roads for general, recreational, business and emergencies. ~~The County prefers that~~ Permittees that install commercial pipelines ~~should locate them to~~ avoid County road right-of-ways, existing infrastructure, ~~rural or~~ residential areas, ~~and-platted~~ subdivisions ~~and bore county roads at perpendicular angles.~~ ~~The County would prefer that~~ Commercial pipelines will not be installed in areas where there are intersections, existing or planned major improvements to County roads, such as bridges, large culverts, cattle guards; or other major improvements on the adjoining land that the commercial pipeline will interfere. ~~The placement of commercial pipelines where one has not existed before should be limited to no more than one (1) per pipeline easement along or across a County Road.~~ Permittees should use the best technology available at a reasonable cost.

~~The removal rather than the leaving in place of commercial pipelines is encouraged.~~ The Permittee shall pay for the impact caused by ~~them~~ their project before installation of the commercial pipeline.

~~A commercial pipeline is defined as any pipeline over 4 inches in diameter that transports natural gas, liquid natural gas and or other petroleum products, and any type of product used for fuel, and any waterlines over 16 inches in diameter; but does not include collector lines used for in situ mining within a DEQ and NRC permitted mine site.~~

~~A project is defined as the entire development from beginning through reclamation.~~

PROCESS FOR OBTAINING A CROSSING PERMIT FOR A COMMERCIAL PIPELINE

1. To start the process the Permittee requesting to install a commercial pipeline within the County road right-of-way shall schedule an initial meeting with the

Comment [JB1]: Addresses Oneok comment for Page 1 lines 4-31

Comment [JB2]: Address Oneok's concern

Comment [JB3]: Addresses Oneok's concern

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Comment [JB4]: Addresses Strata's issues. It exempts them except for transportation lines outside of the mining permit site.

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Road and Bridge Department and Growth and Development Office. The purpose of this pre-meeting is to familiarize the Permittee with County Staff, requirements and resources.

2. The Permittee shall pay the County a non-refundable fee of \$5,000.00 or 0.1% of the cost of the project, whichever is less, for the impact caused by the Permittee to prepare the Permit Application for each project.

Comment [JB5]: Address Oneok comment.

3. The Permittee shall obtain a draft of "Commercial Pipeline ~~License~~Permit" together with a map that shows the road, road number, land ownership overlay, perennial stream data, and the mailing addresses of all adjoining surface owners from the County Assessor's Office, and any other information they feel may be relevant. The Permittee shall provide the County Growth and Development Office the route or potential routes of the commercial pipeline in a geo-referenced shapefile electronic format. The County information should be obtained in electronic format from the Growth and Development Office so as to prepare useable documents.

4. This information will be provided to the Growth and Development Office and Road and Bridge Department a minimum of five (5) business days before the initial meeting. It will be used later by the Board of County Commissioners, Road and Bridge Department, and other County Departments pertaining to the road in question at the time of the initial meeting.

5. **INITIAL MEETING:** Will be with the Growth and Development Office and Road and Bridge Department Office. The Permittee and County departments will:

- a. Review the information provided by the Permittee;
- b. Determine the locations of existing commercial pipelines, intersections, existing or planned major improvements to the County road such as bridges, large culverts, cattle guards or other major improvements on the ~~adjoining land~~county road that the commercial pipeline will ~~interfere~~affect;
- c. Determine what other County, State and Federal Permits are required, to disclose potential conflicting issues, such as, if the County has been preempted by State or Federal law governing any requirements of this Permit;
- d. Review the information provided by the Permittee and any other information that is deemed necessary including discussions with staff and local agencies;
- e. Review the "Commercial Pipeline ~~License~~Permit" to assure it is properly prepared, for example: the depth of pipeline equals State requirements;
- f. Provide the Permittee with Road Maintenance Agreement, County Road Access Permits, Tax and Assessment Information, Fire management Plan, Weed and Pest Plan, and Rural Addressing Application for all shut off valves, pump stations or significant improvements on the pipeline;
- g. Set a time for the Permittee to view the proposed commercial pipeline route with the Road and Bridge Superintendent and others they deem necessary;

h. Set a time on the County Commissioners' calendar no less than four (4) weeks before the Commissioners meeting for the Commissioners to hold a public hearing on granting or disallowing the "Commercial Pipeline License" to the Permittee.

6. **VIEWING THE ROUTE:** The Permittee shall view the proposed commercial pipeline route, crossings, access locations, transportation routes, other impacted County roads with the Road and Bridge Superintendent and others they deem necessary.

a. The Road and Bridge Superintendent and others after viewing the route shall prepare their proposed agreements.

b. The Road and Bridge Superintendent will state the both the depth of the commercial pipeline according to Wyoming Department of Transportation standards or regulations, and where it should cross the County road at a perpendicular angle.

c. If requested the County Attorney will give the legal status of the road.

d. If requested the Sheriff should be present to provide input on traffic, speed, or any other problems that may be an issue.

e. If requested the Growth and Development should give their input.

f. If after the viewing of the proposed crossings the Road and Bridge Superintendent determine that the County should not grant the Permit then he will notify the Permittee by first class mail. If the Permittee disagrees with the Road and Bridge Department's decision then the Permittee may within thirty (30) days request that the County Commissioners review the matter at a County Commissioners meeting not less than fourteen (14) days from the date on the notice of denial.

g. The County Clerk shall by first class mail notify the Permittee of the review of the Road and Bridge Department's decision by the County Commissioners.

7. **PUBLIC HEARING:** If the Road and Bridge Department recommends approval of the locations of the "Commercial Pipeline LicensesPermit" and Access Permits after viewing of the roadway, the Permittee and Road and Bridge Superintendent will meet with the Board of County Commissioners at a Public Hearing.

a. The Permittee shall provide signed "Commercial Pipeline Licenses," Access Permits, Road Maintenance and Repair Agreement, Fire Management Plan, Rural Addressing, Perennial Stream Crossings, Third Party Water Quality Testing.

b. The Permittee shall pay for all costs as set forth in the agreements in addition to the non-refundable fees paid. Any agreements will be entered into with Permittees in writing with the appropriate financial guarantees or payments according to the agreements.

c. The Public Hearing shall be advertised in all County newspapers and the County Website for three (3) consecutive weeks before the Public Hearing. Notice of the hearing shall be mailed out by first class mail by

Comment [JB6]: Respond to Oneok

Comment [JB7]: Respond to

- the County Clerk on behalf of the Board of County Commissioners to all landowners of record along the route of the pipeline and impacted County roads in the County Assessor's office when the Permit are filed. All documents will be available for public review, except those exempted by the Wyoming Public Records Act. The Notice will be sent to any local, state or federal agency requesting notice, requested by the Permittee and requested by the Board or Departments.
- d. The Public Hearing will be a legislative type hearing and not a contested case hearing.
- e. The purpose of the Public Hearing will be to determine if the Permittee has substantially complied with this policy, has taken the public's health and safety into consideration, as well as mitigated the actual and reasonably potential concerns to public health and safety.
- f. The Hearing will proceed as follows:
- ~~f.g.~~ i. Since the Permittee has already submitted its proposal it will not be required to make an initial presentation, but may choose to do so.
- ~~g.h.~~ ii. The general public may then make comments. Preference will be given to County residents, taxpayers and landowners. They are all encouraged to have a spokesperson, not be repetitive, threatening or argumentative, and to have read the proposal before making comments.
- ~~h.i.~~ iii. Written comments and exhibits by the general public should be submitted at least ~~one-two~~ (12) week before the Public Hearing for consideration by the Permittee, Board and Departments.
- ~~i.j.~~ iv. After public comment, the Board may ask the various County Departments, State Agencies, Federal Agencies, Permittee or other person(s) to respond at within one (1) week before the Public Hearingthe hearing.
- ~~j.k.~~ At the endWithin one month of the Public Hearing the Board will approve, deny or modify the various County Permits, Agreements, Plans, Financial Guarantees, and other requirements imposed by the Board. If the Board fails to act the Permittee's Application is granted.
8. If the Board of County Commissioners allow for the installation of a commercial pipeline, they will ~~enter into the grant a~~ "Commercial Pipeline ~~LicensesPermit,~~" County Road Access Permits, Road Maintenance and Repair Agreement, Fire Management Plan, Rural Addressing, ~~Perennial Stream Crossings,~~ and the County would require the Permittee to pay for all costs as set forth in the agreements. Any agreements with the Permittee will be in writing with the appropriate financial guarantees.
9. If the Board of County Commissioners deny the installation of a commercial pipeline, the Permittee will be required to condemn the County, if the Permittee chooses to proceed.
10. The Commercial Pipeline Licenses and Access Permits shall be recorded in the County Clerk's Office and the appropriate Road File.

MAINTENANCE OF COMMERCIAL PIPELINE

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2 | 1. The Permittee of the commercial pipeline and any subsequent owner are
3 responsible for the upkeep maintenance of the commercial pipeline. If a
4 commercial pipeline is abandoned, it shall be removed unless written permission
5 is granted by the County.

6 | ~~2.~~ The Permittee shall provide the plan of operation and maintenance to the County
7 Homeland Security Coordinator before the commercial pipeline is palced into
8 service.

Comment [JB8]: Addresses public comment about safety and maintenance.

10 ROAD MAINTENANCE AGREEMENT

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12 1. The Permittee shall enter into a Road Maintenance and Repair Agreement with a
13 guaranteed or cash bonding amount before obtaining a Commercial Pipeline
14 Permit. Any bond shall be released within one (1) year of the Permittees written
15 notice of the completion of the project.

16 2. This agreement shall include dust mitigation before and after construction by
17 magnesium chloride or a similar substance.

19 ACCESS PERMITS

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21 | 1. The Permittee shall obtain all County ~~road~~ Road Access Permits before obtaining
22 a Commercial Pipeline Permit.

24 RURAL ADDRESSING

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26 1. The Permittee shall obtain all rural addresses requested before obtaining a
27 Commercial Pipeline Permit.

29 HOMELAND SECURITY

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31 1. The Permittee shall provide all information requested by Homeland Security
32 before obtaining a Commercial Pipeline Permit including but not limited to the
33 plan of operation and maintenance, products being transported, and contacts to
34 obtain any information concerning oversight and inspections of the pipeline.

35 2. The Permittee shall keep apprised of and comply with any Burn Restriction
36 imposed by the County Commissioners.

37 ~~3.~~ The Permittee shall prepare a Fire Management Plan for the project with the
38 County Fire Warden.

39 ~~4.~~ The Permittee shall provide the plan of operation and maintenance to the County
40 Homeland Security Coordinator before the commercial pipeline is palced into
41 service.

Comment [JB9]: Addresses HS concern, and public's concern about safety, leaks, preventative maintenance.

Comment [JB10]: Addresses public comment about safety and maintenance.

44 WATER QUALITY

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46 The Permittee shall:

1. Pay for an independent third party, which will be pre-approved by the Crook County Natural Resource District (CCNRD), to test water quality before a Commercial Pipeline License is granted by the County Commissioners. Water quality tests shall be of any consenting landowner's water wells, springs, ponds, reservoirs, running streams or other water source within one half mile (1/2) mile of the location of the commercial pipeline ~~route~~ crossing a county road. The County and CCNRD shall hold a copy of the data; _____.
- ~~2. Notify CCNRD of the route of the commercial pipeline across any perennial stream, creek or river, and one (1) week before the crossing is started.~~
- ~~3. Notify Crook County Homeland Security immediately regarding any leak within Crook County and provide written reports of said leaks to the Board within forty-eight (48) hours;~~
- ~~4. Provide shut off valves before and after all perennial streams, creeks and rivers and anywhere else where geologically unstable conditions exist;~~
- ~~5. And provide the County its agencies, and its residents with the Licensees' contact information necessary to report any emergency.~~

Comment [JB11]: Addresses CCNRD concern about water quality, but still reasonably related to Commissioners grant of permit to cross the county road. Also addresses some landowners concerns about water quality and privacy.

TAXES

1. The Permittee, ~~its contractors and subcontractors~~ shall obtain the following in Crook County, WY so that the County obtains the tax benefits of the commercial pipeline:
 - a. Mobile Machinery Stickers;
 - b. Advertise for jobs on the pipeline with the State of Wyoming, Department of Workforce Services at <http://wyomingworkforce.org>;
 - c. Take delivery of all pipe, valves, hardware, fuel and other infrastructure inside Crook County so that the County receives the sales tax revenue paid for the purchase of anything connected with the pipeline;
 - d. Make a good faith effort to use local vendors, contractors, and services.
2. The Permittee shall prepare a report of estimated tax revenue to be paid by Permittee, its contractors and vendors over the next ~~ten-three~~ (103) years to State and local governments. This shall include sales and use tax, license fees, mobile machinery fees, and ad valorem taxes.
3. The Permittee shall prepare a report of estimated expenditures and improvements to be paid and made by Permittee, its contractors and vendors over the next ~~ten~~ three (103) years within the County.

Comment [JB12]: Address Oneok concern.

PASSED, APPROVED AND ADOPTED by the Crook County Commissioners on the _____ day of _____, 2013.

BOARD OF COUNTY COMMISSIONERS IN AND FOR CROOK COUNTY,
WYOMING

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BY _____
J.W. HADLEY, CHAIRMAN

BY _____
KELLY B. DENNIS, VICE-CHAIRMAN

BY _____
JEANNE A. WHALEN , MEMBER

State of Wyoming }
 }
County of Crook }

Signed or attested before me on _____
_____, 2013 by J. W. Hadley, Chairman, Kelly B. Dennis Vice-Chairman, and Jeanne
A. Whalen, Member, Board of Crook County Commissioners.

CONNIE D. TSCHETTER, CROOK COUNTY CLERK

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